Petition & Court's Order served on Leo Weinberg and copy left with him. (Filed July 22,1926)

I.W.Albaugh, Sheriff,

(ANSWER OF LEO WEINBERG)

Claire E.Sappington and James C.Sappington, her Husband.

Vs.

Ambrose S. Whiteholl and Nannie E. Whitehill, et al.

EQUITY. No.11354 In the Circuit Court For Frederick County Sittingas a Court of Equity.

TO THE HONORABLE THE JUDGES OF SAID COURT;

The answer of Leo Weinberg to the Petition of Edward J.Smith, Albert S.Brown and Alton Y.Bennett, filed herein July 21, 1926.

## THIS RESPONDENT SAYS;

That hedenies the allegations contained in the first paragraph of said Petition, and aserts that there are aduly interests than those represented by the said Petitioners.

SECOND; That he denies the allegations contained in the second paragraph of said Petition. THID; That, while he admits that the case is one for the sale of real estate, because it is not capable of partition, on kind, he denies that there are "no question or complications in this case requiring any special attorney to appear and answer for said infant defendants."

FOURTH; That he denies the allegations contained in the fourth paragraph of said Petition, except that, under Rule No.14 of the General Equity Rules (Code, Art. 16, Sec. 161) a guardian ad litem may be appointed by the Court to answer and defend the suit for an infant, where there is no legal guardian, but this does not deprive the Court of the right to appoint an attotney, eith er for the said infant, or to appoint the mother asa guardian ad litem, who could and would obtain the approval of the Court to the employment of an attorney. In fact, this Rile No.14, expressly provides for the appintment of an attorney, as therein specified.

That he admits the allegations contained in the Fifth paragraph of said Petition. That he denies the allegations contained in the Sixth paragraph of said Petition. That, answering further and generally said Petition, this Respondent says that Charles Wilbur Sappington, the father of the infant Defendants, mentioned in the Petition, departed this life on or about January 22,1919, leaving a Last Will and Testament, bearing date October 23,1918, which was duly probated in the Orphans Court of Frederick County, Maryland, on February 3,1919, and which is recorded in Will Record A.M.P.No.1, folio 56, one of the records in the office of the Register of Wills of Frederick County, Maryland, a certified copy of which said Last Will and Testament.together with the Renunciation of Nettie Matilda Sappington, the widow of Charles Wilbur Sappington, as recorded in Will Record A.M.P.No.1, folio 59, in the same office, is herewith filed as part hereof, marked Exhibit "C.W.S."

That, further answering said Petition, as appears by said Last Will and Testament of Charles Wilbur Sappington, his wife, Nettie Matilda Sappington, is appointed "the sole guardian" of his children, aforesaid, until become of lawful agr; and none of said children are of lawful age, the said Mary Elizabeth Sappington, having been born Fenruary 27, 1911, the said Charles Pearre Sappington having been born April 10,1912, and the said Frances Sappington having been born November 8,1914.

That, answering further said Petition, this Respondent says that William S. Sappington, one of the Children of the said Charles Wilbur Sappington. departed this life, intestate, September 24,1924, being then about nine year old, having been born November 30,1915.

That, answering further said Petition, and as appears in the said Last Will and Te-'stament of Charles Wilbur Sappington, aforesaid. after directing thesale of his personal